



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,452	12/31/2003	Carol L. Shillinglaw	GEMS8081.208	9840
27061	7590	01/03/2008		
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)			EXAMINER	
136 S WISCONSIN ST			BORISSOV, IGOR N	
PORT WASHINGTON, WI 53074			ART UNIT	PAPER NUMBER
			3628	
			NOTIFICATION DATE	DELIVERY MODE
			01/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@zpspatents.com
rlt@zpspatents.com
klb@zpspatents.com

Office Action Summary

Application No.

10/749,452

Applicant(s)

SHILLINGLAW ET AL.

Examiner

Igor N. Borissov

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/20/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

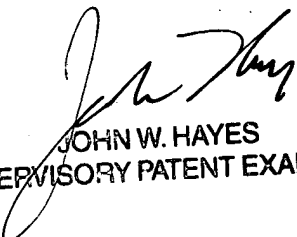
In view of the Appeal Brief filed on 09/20/2007 PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 39, it is totally unclear what is being claimed here. Is applicant just claiming a data signal (in a carrier wave) or is the claim directed to a method as the body of the claim recites? The signal represents instructions, but what is the signal? The fact that it represents instructions that do A, B, and C, defines nothing about the signal. Maybe this is supposed to be a method claim? The scope of this claim is not clear.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 39-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the claim 39 is directed to non-statutory subject matter because a "signal" is not considered statutory. A signal (in a carrier wave) is not a tangible thing. A signal is not something that is eligible for patent rights.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-35 and 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raza (US 2002/0035502 A1) in view of Oyagi et al. (US 6,199,193).

As per claims 24-34 and 37-43,

Raza teaches a computer-implemented method, system and computer-readable medium having instruction embedded therein for causing a computer to implement said method for monitoring a process of integration of a new (software development) business unit into an enterprise wherein, during the process of integrating the new, spun-in business unit into the established core business in accordance with an implemented business plan, constant feedback is maintained (at centralized facility) with the new business unit so that the implemented business plan is constantly modified/refined in iterative manner (0036; 0053; 0055; 0056; cl.16).

While Raza discloses iterative modification of the implemented business plan based on said feedback, Raza does not explicitly teach displaying the feedback characteristics on an internal GUI.

Oyagi et al. teaches a computer-implemented method, system and computer-readable medium having instruction embedded therein for causing a computer to implement said method for software development and design evaluation, comprising:

providing a feedback inputting graphical user interface (GUI) (Abstract; column 2, lines 8-48);

receiving user feedback on a business plan wherein the user feedback includes one or more user responses regarding the business plan (Abstract; column 2, lines 8-48; column 6, lines 29-38);

at the centralized facility, determining feedback characteristics of the user feedback displaying, in near real-time, the feedback characteristics on an internal business plan GUI (column 2, lines 8-48; column 6, lines 29 – column 7, line 33);

assigning at least one of a category, a region, a status, and an administrator to each user response (column 6, lines 29-63);

displaying, on the business plan GUI, the category, the region, a user response author, text of the user response, and, if any, a reply to the user response (column 6, lines 29 – column 7, line 33);

wherein the business plan GUI is accessible via one of an intranet, Internet, and extranet and is only viewable by an authorized user (column 3, lines 5-14; column 5, lines 23-27; column 6, lines 29-38; column 7, lines 52-56; column 8, lines 50-52), and

wherein the feedback characteristics include at least one of a positive response, and a negative response (Fig. 5; column 5, lines 36-50; column 6, lines 7-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raza to include displaying the feedback characteristics on an internal GUI, as disclosed in Oyagi et al., because it would advantageously allow to simplify comprehension of changes for the user. Furthermore, because this is a case where the improvements are no more than the predictable use of prior art elements according to their established functions, no further analysis is required by the Examiner. *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396. Accordingly, in such case, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (*KSR*, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, -- USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

As per claim 35, Raza discloses that the modification of the implemented business plan is conducted under supervision of managers and experts in corresponding fields of expertise, thereby suggesting displaying appropriate information only by authorization of "an integration leader".

As per claims 37 and 38, Oyagi et al. teaches said system configured to displaying a personal information GUI, configured to allow a user to input his/her ID and password (column 6, lines 29-38).

Raza and Oyagi et al. does not specifically teach that said personal information includes a name, an address, a telephone number, a country, a zip code, a region, an email address and a sales representation name.

However, based on common sense, it is within ability of one having ordinary skill in the art to come up with variations of personal information.

Therefore, it would have been an obvious matter of design choice to modify Raza and Oyagi et al. to include that the personal information GUI configured to allow a user to input contact information, because it would advantageously allow the user to operate with any desirable for the user type of personal information, thereby providing convenience to the user.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raza in view of Oyagi et al. and further in view of Eringis et al. (US 2003/0202638).

Claim 36. Raza and Oyagi et al. teaches all the limitations of claim 36, except specifically teaching that the processing unit is further programmed to display a user drill-down menu to enable the integration leader to identify personnel roles in relation to the implemented business plan wherein the personnel roles are automatically linked to the implemented business plan.

Eringis et al. teaches a system for implementing a business plan for testing hardware system, including a processor and a graphical user interface (GUI), wherein said system is configured to input various evaluation criteria including organization/team chart, defined responsibilities and roles; list of account managers assigned; the process for addressing roles and responsibilities of account managers; specific teams and roles are responsible for updating documentation; process of reviewing, and integrating teams for shared knowledge is in place; and available different means of addressing questions/concerns, other account manager contact information available if primary account manager is absent [0478]. As per using said menu per se, GUI suggest the use of said menu.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raza and Oyagi et al. to include that said processing unit is further programmed to display a GUI to enable the integration leader to identify personnel roles in relation to the implemented business plan wherein the personnel roles are automatically linked to the implemented business plan, as suggested in Eringis et al., because it would advantageously allow to implement a comprehensive, effective, efficient, and reliable testing or surveying methodology, suitable for a variety of environments, jurisdictions, and particular needs, as specifically stated in Eringis et al. [0008]. Furthermore, because this is a case where the improvements are no more than the predictable use of prior art elements according to their established functions, no further analysis is required by the Examiner. *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396. Accordingly, in such case, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Response to Arguments

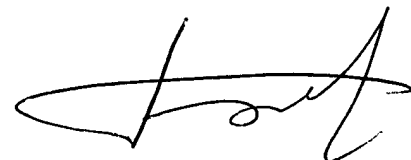
Applicant's arguments filed 09/20/2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
12/22/2007



IGOR N. BORISSOV
PRIMARY EXAMINER